

ESTTA Tracking number: **ESTTA557866**

Filing date: **09/05/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057609
Party	Defendant Kathy L. Knapp
Correspondence Address	KATHY L KNAPP 680 PORTAGE COURT VERNON HILLS, IL 60061 UNITED STATES
Submission	Answer
Filer's Name	Kathy L. Knapp
Filer's e-mail	kathyknapp2@yahoo.com,kknapp@anoviaconsulting.com
Signature	/Kathy L. Knapp/
Date	09/05/2013
Attachments	Answer Knapp Answer to Cancellation Petition FINAL 92057609.pdf(44032 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No.: 3549646

Date of Issue: December 23, 2008

Trademark: ANOVIA

<hr/>)	
Ginger Ann Scherbarth)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92057609
)	
)	
Kathy L. Knapp)	
)	
Registrant.)	
<hr/>)	

REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION

Registrant, Kathy L. Knapp, hereby responds to the petition for cancellation as follows:

As a threshold matter, Registrant denies the unnumbered allegation of damage in the Petition's preface.

1. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 1 and therefore denies the same.
2. Registrant admits the allegations in Paragraph 2.
3. Registrant lacks knowledge or information sufficient to form a belief as to truth or falsity of the allegations of paragraph 3 and therefore denies the same.
4. Registrant admits that Petitioner filed an application to register ANOVIA as a service mark almost eleven years after Petitioner alleges that she first used such mark and that she attached the TSDR Status Report for her application as Exhibit A to the Petition. Registrant is without knowledge

or information sufficient to form a belief as to the truth or falsity of the remaining allegations of paragraph 4 and therefore denies the same.

5. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 5 and therefore denies the same.

6. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 6 and therefore denies the same.

7. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 7 and therefore denies the same.

8. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 8 and therefore denies the same.

9. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 9 and therefore denies the same.

10. Registrant denies the allegations of paragraph 10.

11. Registrant admits the allegations in Paragraph 11.

LIKELIHOOD OF CONFUSION

12. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 12 and therefore denies the same.

13. Registrant admits the allegations of paragraph 13.

14. Registrant denies the allegations of paragraph 14.

15. Registrant denies the allegations of paragraph 15.

16. Registrant denies the allegations of paragraph 16.

17. Registrant denies the allegations of paragraph 17.

18. Registrant denies the allegations of paragraph 18.

AFFIRMATIVE DEFENSES

Registrant asserts the following affirmative defenses to the Petition for Cancellation:

1. The Petition fails to state any claim upon which relief may be granted.
2. Petitioner is barred from seeking cancellation of the Registrant's trademark under the equitable doctrines of laches and estoppel.
3. Petitioner has acquiesced in Registrant's adoption, registration and use of the mark that is the subject of the petition for cancellation.
4. There is no likelihood of confusion between Registrant's use of the trademark and that of Petitioner.
5. Petitioner actually uses its mark only on a specific subset of consulting services covered by the broad identification of services in its application, namely human resources consulting, and there is no likelihood of confusion with Registrant's use of the ANOVIA mark for strategic advisory services, which are a specific subset of business management consulting substantially different than the services offered by Petitioner.

WHEREFORE, Registrant prays that the Cancellation be dismissed with prejudice.

Respectfully Submitted,

/s/ Kathy L. Knapp

Kathy L. Knapp
Registrant
680 Portage Court
Vernon Hills, IL 60061
Phone: 847-226-6515
Email: kathyknapp2@yahoo.com

Date: September 5, 2013

Cancellation No. 92057609

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the USPTO Trademark Trial and Appeal Board through ESTTA for filing in the following proceeding:

Cancellation No. 92057609
Ginger Ann Scherbarth v. Kathy L. Knapp
For the mark: ANOVIA
Registration No. 3549646

Dated September 5, 2013

/s/ Kathy L. Knapp
Kathy L. Knapp
Registrant

Cancellation No. 92057609

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION** was served on counsel for petitioner by sending the same via regular U.S. Mail, postage prepaid, this 5th day of September, 2013 to:

Stacy A. Cole
GRAYDON HEAD & RITCHIE LLP
1900 Fifth Third Center
511 Walnut Street
Cincinnati, OH 45202-3157

/s/ Kathy L. Knapp
Kathy L. Knapp
Registrant